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ORDINANCE NO. 1205

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AS HERETOFORE AMENDED SO AS TO GRANT A SPECIFIC USE PERMIT FOR A NON DRIVE-IN RESTAURANT WITH OUTSIDE SALES WINDOW IN PLANNED DEVELOPMENT ZONING DISTRICT NO. 23; PROVIDING FOR SITE PLAN APPROVAL; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO HUNDRED (\$200.00) DOLLARS FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR INJUNCTIVE RELIEF; AND DECLARING AN EMERGENCY.

Whereas, the City Plan Commission of the City of Farmers Branch and the governing body of the City of Farmers Branch, in compliance with the Charter of the City of Farmers Branch, and the State law with reference to the granting of changes of zoning under the Zoning Ordinance Regulations and Zoning Map, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all the property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the governing body of the City of Farmers Branch is of the opinion that said change in zoning uses should be made.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS:

SECTION 1. That the Comprehensive Zoning Ordinance of the City of Farmers Branch, Texas, be, and the same is

hereby amended by amending the Zoning Map of the City of Farmers Branch, so as to grant a specific use permit for a non drive-in restaurant with outside sales window in Planned Development Zoning District No. 23.

SECTION 2. That the specific use permit shall be approved for a Ron's Crispy Fried Chicken Restaurant located on an 18,320 square foot tract of land along the south side of Belt Line Road and ^{west} east of Marsh Lane.

SECTION 3. That said 18,320 square foot tract of land shall be more specifically described as follows:

A tract of land on the south side of Belt Line Road west of Marsh Lane, Farmers Branch, Texas.

Part of Block 7, Phase II Brookhaven Business Park, an addition to the City of Farmers Branch, Texas, according to the plat thereof recorded in Volume 72063, at page 2250 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point in the south line of Belt Line Road, said point being 109.44 feet west of the prolongation of the west line of Marsh Lane;

THENCE South and parallel with Marsh Lane 183.20 feet to corner;

THENCE North 89°41'30" West 100.0 feet to corner;

THENCE North 183.20 feet to corner;

THENCE South 89° 41'30" East along the south line of Belt Line Road (100 foot road) 100.00 foot to place of beginning.

This tract of land contains 18,320 square feet of land.

SECTION 4. That the above described property shall be used only in the manner and for the purposes provided for by

the Comprehensive Zoning Ordinance of the City of Farmers Branch, Texas, as amended herein and by the granting of a specific use permit for a restaurant with outside sales window and that permits for construction of the restaurant shall not be issued until a site plan has been submitted and approved by the City Council of the City of Farmers Branch, Texas. The approved site plan shall become a part of this ordinance.

SECTION 5. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch, and upon conviction shall be punished by a fine not to exceed the sum of Two Hundred (\$200.00) Dollars for each offense.

SECTION 6. If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

SECTION 7. In addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

SECTION 8. Whereas, it appears that the above described property requires that it be given the Specific Use Permit in order to permit its proper use and development, and in order to protect the public interest, comfort and general


welfare of the City of Farmers Branch, and creates an urgency and an emergency in the preservation of the public health, safety and welfare, and requires that this ordinance shall take effect immediately from and after its passage and publication of the caption of said ordinance as the law in such cases provides.

DULY PASSED BY THE City Council of the City of Farmers Branch, Texas, on this the 5th day of September, 1978.

APPROVED:


Mayor

ATTEST:


City Secretary

APPROVED AS TO FORM:


City Attorney